



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

June 20, 2017
Certified Mail/Return
7012 3460 0003 1113 8823

Orland Livestock Commission Yard, Inc.
P.O. Box 96
Orland, CA 95963

Attention: Teresa Kaber, Office Manager

**Subject: Orland Livestock Commission Yard, Inc., Public Water System No. 1100443 –
Compliance Order for Exceedance of the Nitrate (as N) Maximum Contaminant
Level.**

Enclosed is Compliance Order No. 21-17R-002 issued by the State Water Resources Control Board to Orland Livestock Commission Yard, Inc. for non-compliance with the maximum contaminant level for Nitrate in the drinking water. Please read this order carefully. Public notification is required to inform consumers that the well water is not safe to drink.

Any person who is aggrieved by an order or decision issued by the Division, may file a petition with the State Water Board for reconsideration of the order or decision. Petitions must be received by the State Board within 30 days of the issuance of the order or decision. The date of issuance is the date when the Division mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. See attached Applicable Authorities for relevant statutory provisions for filing a petition.

For more Information regarding filing petitions, visit the following website:
http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

Note that Section 116577 of the California Safe Drinking Water Act provides for the Division to be reimbursed by the public water system for costs incurred for preparing and issuing a compliance order. In accordance with Section 116577, the System will be invoiced approximately \$165 for the preparation and issuance of this Order.

If you have any questions please call Paul Rowe at (530) 224-4866 or contact me directly at (530) 224-4861.



Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosures

cc: Kevin Backus, Glenn County Environmental Health

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

10 **TO:** Orland Livestock Commission Yard, Inc.
11 Attn: Teresa Kaber, Office Manager
12 P.O. Box 96
13 Orland, CA 95963
14

15
16 **COMPLIANCE ORDER FOR NONCOMPLIANCE WITH THE NITRATE MAXIMUM**
17 **CONTAMINANT LEVEL**
18

19 **COMPLIANCE ORDER NO. 21-17R-002**
20

21 **Orland Livestock Commission Yard, Inc.**

22 **System No. 1100443**

23 **Issued: June 20, 2017**
24

25 Section 116655 of Chapter 4 of Part 12 of Division 104 of the California Health and
26 Safety Code (H&S Code) authorizes the issuance of a compliance order for failure to
27 comply with a requirement of the California Safe Drinking Water Act or any
28 regulation, standard, permit, or order issued thereunder.
29

1 The State Water Resources Control Board (hereinafter "Board"), acting by and
2 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
3 for the Division, hereby issues this compliance order (hereinafter "Order") pursuant
4 to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to
5 the Orland Livestock Commission Yard, Inc. for violation of CHSC section
6 116555(a)(1,3) and title 22, California Code of Regulations (hereinafter "CCR"),
7 Section 64431.

8 9 **APPLICABLE AUTHORITIES**

10 See Attachment 'A' for applicable authorities.
11

12 **STATEMENT OF FACTS**

13 The Orland Livestock Commission Yard, Inc. water system (hereinafter, "System") is
14 classified as a transient noncommunity water system located in Glenn County that
15 supplies water for domestic purposes to approximately 100 people. The System
16 operates a groundwater well (Well 02 (north well)) as its source of domestic water.
17 Well 02 does not have a well log and has not been permitted by the Division. The
18 System also failed the total coliform rule once in 2014 and twice in 2015. On April
19 20, 2017, a nitrate sample collected from the well indicated a level of 14.7 mg/L
20 (milligrams per liter as nitrogen). A follow-up nitrate sample taken from the well on
21 May 26, 2017, indicated a level of 17.2 mg/L. The average of these results is 16
22 mg/L, and therefore the drinking water is in exceedance of the nitrate maximum
23 contaminant level (MCL) of 10.0 mg/L as nitrogen.
24

25 **DETERMINATIONS**

26 Based on the above Statement of Facts, The Division has determined that the
27 System is in violation of Section 116555(a)(1,3) of the CHSC, and Section 64431,

1 Title 22, of the CCR, in that the System is not in compliance with the primary
2 drinking water standard by exceeding the nitrate MCL, and thus cannot provide a
3 supply of pure, wholesome, healthful, and potable water.

4
5 **DIRECTIVES**

6 This compliance order includes the following directives for the System:

- 7
- 8 1. On or before **August 1, 2017**, the System must provide a plan and
9 timeline to replace Well 02.
 - 10
11 2. On or before **December 15, 2017**, the System must provide a new source
12 of drinking water.
 - 13
14
15 3. Until such time that the System provides a new drinking water source, the
16 System shall perform the following on a monthly basis:
17
 - 18 a. **Immediately upon receipt of this Order, and continuing until a**
19 **new source of drinking water is commissioned, provide public**
20 **notification** in accordance with Section 64463.1(a) (**Attachment B**)
21 and Section 64463.1(c), Title 22, of the CCR (**see Attachment A**).
 - 22
23 b. **Complete and return Attachment C, "Certification of Completion**
24 **of Public Notification" within 10 days of receipt of this Order. A**
25 copy of the notice used to provide public notification shall be attached
26 to the form, if different from Attachment B.
- 27
28

1 All submittals required by this Order shall be addressed to:

2 Reese B. Crenshaw, P.E.

3 Valley District Engineer

4 Drinking Water Field Operations

5 Division of Drinking Water

6 State Water Resources Control Board

7 364 Knollcrest Drive, Suite 101

8 Redding, CA 96002

9 (530) 224-4800

10
11 Nothing in this Order relieves the System of its obligation to meet the requirements
12 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe
13 Drinking Water Act), or any regulation, permit, standard or order issued or adopted
14 thereunder.

15 The Division reserves the right to make such modifications to this Order, as it may
16 deem necessary to protect public health and safety. Such modifications may be
17 issued as amendments to this Order and shall be effective upon issuance.

18
19 **FURTHER ENFORCEMENT ACTION**

20 The California SDWA authorizes the Board to: issue citation with assessment of
21 administrative penalties to a public water system for violation or continued violation
22 of the requirements of the California SDWA or any permit, regulation, permit or order
23 issued or adopted thereunder including, but not limited to, failure to correct a
24 violation identified in a citation or compliance order. The California SDWA also
25 authorizes the Board to take action to suspend or revoke a permit that has been
26 issued to a public water system if the system has violated applicable law or
27 regulations or has failed to comply with an order of the Board; and to petition the

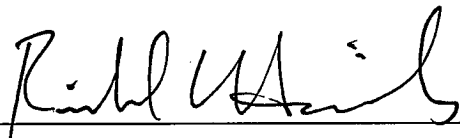
superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This Order shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

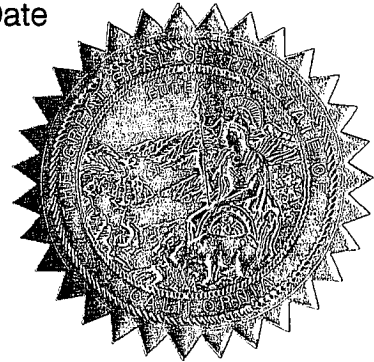
The directives of this Order are severable, and the System shall comply with each and every provision thereof notwithstanding the effectiveness of any other provision.



Richard L. Hinrichs, P.E., Chief
Northern California Section
State Water Resources Control Board
Division of Drinking Water

6/20/2017

Date



Attachments:

Attachment A – Applicable Authorities

Attachment B – Public Notification

Attachment C – Public Notification Certification

APPLICABLE AUTHORITIES

Section 116655 of the CHSC states:

(a) Whenever the state board determines that any person has violated or is violating this chapter, or any order, permit, regulation, or standard issued or adopted pursuant to this chapter, the state board may issue an order doing any of the following:

- 1) Directing compliance forthwith.*
- 2) Directing compliance in accordance with a time schedule set by the state board.*
- 3) Directing that appropriate preventive action be taken in the case of a threatened violation.*

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- 1) That the existing plant, works, or system be repaired, altered, or added to.*
- 2) That purification or treatment works be installed.*
- 3) That the source of the water supply be changed.*
- 4) That no additional service connection be made to the system.*
- 5) That the water supply, the plant, or the system be monitored.*
- 6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the state board.*

Section 116555 of the CHSC states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- 1) Complies with primary and secondary drinking water standards.*
- 3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.*

Section 116701 of the CHSC states in relevant part:

Petitions to Orders and Decisions

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.*
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.*
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board,*

should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.*
- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.*
- (f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.*

Section 64431 of the California Code of Regulations (CCR):

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level,</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004

Chemical	Maximum Contaminant Level,
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006

Section 64463.1(c)(2) of the states in relevant part:

(c) A water system shall deliver the public notice in a manner designed to reach residential, transient, and nontransient users of the water system and shall use, as a minimum, one of the following forms:

- (1) Radio or television;*
- (2) Posting in conspicuous locations throughout the area served by the water system;*
- (3) Hand delivery to persons served by the water system; or*
- (4) Other method approved by the State Board, based on the method's ability to inform water system users.*

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

DRINKING WATER WARNING **Orland Livestock Commission Yard, Inc.** **water has high levels of nitrate**

**DO NOT GIVE THE WATER TO INFANTS UNDER 6 MONTHS OLD OR USE
IT TO MAKE INFANT FORMULA**

**NO DAR DE BEBER ESTA AGUA A BEBES MENORES DE 6 MESES DE EDAD
NI USARLA PARA HACER LECHE DE FORMULA**

Water sample results received on April 20, 2017 and May 26, 2017 showed nitrate levels of 14.7 milligrams per liter (mg/L) and 17.2 mg/L, respectively. This is above maximum contaminant level (MCL), of 10 mg/L. Nitrate in drinking water is a serious health concern for infants less than six months old.

What should I do?

- **DO NOT GIVE THE WATER TO INFANTS OR PREGNANT WOMEN.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you are pregnant or have specific health concerns, you may wish to consult your doctor.

What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems and run-off). Levels of nitrate in drinking water can vary throughout the year. We'll let you know when the amount of nitrate is again below the limit.

The Division of Drinking Water has issued a compliance order to Orland Livestock Commission Yard, Inc. which will require a new source of drinking water.

For more information, please contact Teresa Kaber @ 530-865-4411.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Orland Livestock Commission Yard - State Water System ID#:1100443

Date posted: _____

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form, when completed and returned to the Division of Drinking Water (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Division with certification is important. Failure to do so will result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name Orland Livestock Comm. Yard, Inc..

Public Water System No. 1100443

Public notification for the month of _____, 2017, for exceedance of the nitrate (as N) maximum contaminant level, was performed by the following method:

_____ Posting in conspicuous locations throughout the area served by the water system.
Please indicate the locations: _____

I hereby certify that the above information is factual.

Printed Name

Signature

Date